



CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION

SHIRLEY BERGERT, DIRECTOR, PUBLIC BENEFITS TASK FORCE

872 MAIN STREET P.O. BOX 258 WILLIMANTIC, CT 06226-258

TELEPHONE (860) 456-1761 EXT. 115 OR 1-800-413-7796 (CLIENT TOLL-FREE LINE)

FAX (860) 456-7420

E-MAIL: SBERGERT@CONNLEGALSERVICES.ORG

SHIRLEY BERGERT

DIRECTOR OF
PUBLIC BENEFITS TASK FORCE

ANNE LOUISE BLANCHARD
LITIGATION DIRECTOR

CATHERINE CUSHMAN
CHERYL DIANE FEUERMAN
BET GAILOR
JOELEN J. GATES
REBECCA LOOS
MYKLYN MAHONEY
SAMUEL T.D. NEVES, JR.
ROYAL STARK
WENDY W. WANCHAK
ATTORNEYS AT LAW

CAROLE MASTERS
VOLUNTEER ATTORNEY

THOMAS W. CRATTY, JR.
LAUREL J. FREEMAN
PARALEGALS

LUZ OSUBA
HEROILDA RIOS
LEGAL ASSISTANTS

ADMINISTRATIVE OFFICE
62 WASHINGTON STREET
MIDDLETOWN, CT 06457
(860) 344-0447

AARON BAYER
BOARD CHAIR

STEVEN D. EPPLER-EPSTEIN
EXECUTIVE DIRECTOR

LAW OFFICES

211 STATE STREET
BRIDGEPORT, CT 06604

16 MAIN STREET
NEW BRITAIN, CT 06051

153 WILLIAMS STREET
NEW LONDON, CT 06320

20 SUMMER STREET
STAMFORD, CT 06901

85 CENTRAL AVENUE
WATERBURY, CT 06702

872 MAIN STREET
WILLIMANTIC, CT 06226

SATELLITE OFFICES

5 COLONY STREET
MERIDEN, CT 06451

62 WASHINGTON STREET
MIDDLETOWN, CT 06457

98 SOUTH MAIN STREET
SOUTH NORWALK, CT 06854

564 PROSPECT STREET
TORRINGTON, CT 06790

155 WEST MAIN STREET
ROCKVILLE, CT 06066



Comments Regarding Bill #5694 An Act Concerning Utility Service Termination Before the Energy and Technology Committee February 17, 2009 Prepared by Shirley Bergert¹

Recommended Action: Support with minor modification to strengthen Section 1

I apologize that I am not able to attend the public hearing on this bill, but submit the following comments in the hope that you find them useful in your deliberations.

Section 1 of the bill: Protection Against Illegal Terminations

Section 1 addresses a long-standing problem of landlords inappropriately, and in some cases illegally, requesting utility service terminations for dwelling units occupied by tenants. In some cases the landlord will pose as the tenant in making a request where the utility bill is in the tenant's name, or the landlord will misrepresent that a unit is not occupied. Conn. Gen. Stat. §19a-109 prohibits a landlord from arranging termination of heat, cooking gas, electricity, hot water or water unless there is a signed statement by the tenant agreeing to service termination or a notarized statement by the landlord indicating the unit is vacant. Section 1 of 5694 requires provision of identification to the utility by the individual requesting service termination and 9 days notice to unit occupants before termination is effected. The bill does not preclude utilities from terminating service if requested by safety officials or where safety or public health are affected. **To ensure compliance with the requirements of Conn. Gen. Stat. §19a-109, we recommend modification of the bill language, drawing from §19a-109:**

Section 1. (NEW) (Effective July 1, 2009) (a) A person seeking to terminate electric, gas, telecommunications or water service to a residential dwelling shall provide to the electric distribution, gas, telecommunications or water company, electric supplier or municipal utility providing such service either (1) identification, as defined in section 16-49e of the general statutes, (2) the password previously provided by the customer of record for such service, (3) the customer code provided by the company, supplier or utility, or (4) other reasonable identification method established by the company, supplier or utility sufficient to establish that the person authorizing the termination is the customer of record or the customer's authorized representative, and a statement signed by the lessee agreeing to such termination or a notarized statement signed by the lessor to the effect that the premises are vacant. Such company, supplier or utility shall not terminate service if the person does not provide such reasonable identification.

Section 2 of the bill: Remedying Landlord Failure to Provide Meter Access

Section 2 allows utilities and fuel dealers to shift utility/energy bills to landlords where landlords control access to meters and equipment and the utilities are

¹ Shirley Bergert serves as the residential representative on the Energy Conservation Management Board overseeing the expenditure of ratepayer conservation funds in Connecticut Energy Efficiency Fund (Conn. Gen. Stat. § 16-245m); as the low income representative on the Fuel Oil Conservation Board (Conn. Gen. Stat. § 16a-22f); on the Low Income Energy Advisory Board (Conn. Gen. Stat. § 16a-41b); and on the Advisory Board of the Institute for Sustainable Energy at Eastern Connecticut State University.

denied access after a written request. This is a reasonable approach to addressing this problem. Lack of access to meters and equipment creates problems with:

- reading meters (important for accurate billing);
- terminations of service (e.g., nonpayment, or on request of a tenant who moves, meaning the tenant can have ongoing liability for the meter charges although no longer residing in the dwelling);
- investigating cross-wiring/gas piping (potential code violations and safety investigations and illegal cost shifting in violation of the Conn. Gen. Stat. §47a-7 provision requiring the landlord to maintain responsibility for energy services not in the "exclusive control of the tenant or supplied by a direct public utility connection", and the Conn. Gen. Stat. §16-262e(c) providing the landlord is responsible for utility service or fuel "except for any service furnished to any dwelling unit of the building on an individually metered or billed basis for the exclusive use of the occupants of that dwelling unit."